



JERRY E. POWERS
Chief Probation Officer


COUNTY OF LOS ANGELES PROBATION DEPARTMENT

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July 27, 2012

TO: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Jerry E. Powers 
Chief Probation Officer

SUBJECT: REPORT ON PROBATION DEPARTMENT'S RETURN-TO-WORK PLAN

On November 1, 2011, an implementation plan was presented to the Board delineating how the Chief Executive Office (CEO) and the Probation Department (Probation) will achieve the following goals:

- Take preventive measures to reduce the number of employees suffering from on-the-job injuries;
- Identify the outcomes hoped to be achieved in terms of returning employees to work;
- Identify how the CEO and Probation will meet these goals; and
- Describe how Probation will implement the Sheriff's Department (Sheriff) best practices.

On March 8, 2012, we reported that as of February 15, 2012, 9 of the 14 Tasks included in the Return-to-Work Action Plan (Plan) were completed, 2 Tasks were eliminated as moot, and 3 Tasks were partially completed. The update on that Plan is detailed in Attachment I.

In summary, the Sheriff's RTW model has been implemented by Probation. Of the three Tasks partially completed as of February 15, 2012, two remain only partially completed. These relate to space utilization, technology, and ongoing training.

Outcomes achieved since February 15, 2012 include the following:

RETURN-TO-WORK

- Training of 94 localized Return-to-Work (RTW) Coordinators and staff designated as their back-ups has been completed. Central RTW Case Managers have assumed responsibility for training of replacement localized Coordinators as the need arises (Since February 15, this included three new RTW Coordinators and 13 back-up Coordinators). A new session of formalized training for these employees is scheduled for August 2012.
 - Consistent with the Sheriff's model, decentralized (or localized) RTW Coordinators are now performing the following duties:
 - Converting employees on leave for more than five days to a 5/40 work schedule, as required by Directive 1102;
 - Initiating weekly contact with every employee out on leave. Typically this involves a phone call, but may warrant a home welfare check in some cases;
 - Securing updated medical certification from employees;
 - Clearing employees in their organizational unit to return to work from a medical leave;
 - Contacting treating physicians for clarification of work restrictions or work status, as required;
 - Reporting to central RTW the status of all employees on leave of absence by use of the Absence Follow-Up Report; and
 - Conducting Interactive Process Meetings (IPMs) when work restrictions are temporary or employee's condition is rendered permanent and stationary with no restrictions.
 - Also consistent with the Sheriff's model, the centralized Case Managers and supporting RTW Unit staff are now performing the following duties:
 - Providing consultation to Probation administrators, supervisors and employees throughout the RTW process;
 - Processing and tracking Workers' Compensation claims to ensure proper case management and documentation;
 - Maintaining ongoing communications with AIMS to ensure appropriate medical treatment is provided on a timely basis so the employee can return to work quickly;
 - Conducting IPMs with employees and their representatives when the employees' condition is rendered permanent and stationary with resulting permanent restrictions;
 - Initiating Service Connected Disability Retirement (SCDR) applications, when applicable, for those employees on Conditional Assignment;
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- Processing Medical Release (Civil Service Rule 9.08) of employees, when indicated;
 - Initiating Fitness for Duty Reevaluations, when necessary, to determine an employee's ability to work;
 - Training appropriate Probation staff on the RTW process, ADA/FEHA and FMLA requirements;
 - Processing Short Term and Long Term Disability Benefits; and
 - Processing FMLA, CFRA & Pregnancy Disability Leave requests.
 - During this past quarter, Probation submitted 16 applications for Service Connected Disability Retirement on behalf of injured or chronically ill employees who remain on leave of absence. (Attachment II)
 - Probation continues to pursue resolution to an employee's status when they fail to provide acceptable medical certification to support continued leave of absence. In these instances, Probation notifies the employees that they must either provide medical verification of the necessity for their absence, return to work, or be deemed to have resigned their position. In March, we reported six such cases pending; however, since then, we have initiated three more cases. Of those nine cases, two employees resigned and seven returned to work. (Attachment II)
 - Weekly Absence Follow-up Reports and Light Duty/Absence Follow-up Reports are now routinely generated by every organizational unit in Probation. These reports record weekly contact made with each employee by the assigned location, and enables Directors, Bureau Chiefs, and Deputy Chiefs in the chain of command to ensure appropriate contacts are being made and to monitor these employees' work status.
 - Probation continues to meet on a monthly basis with the Third Party Administrator (TPA) to review new and more complex cases. During this past quarter, 79 cases were reviewed and discussions held to develop strategic approaches to the management of each. Outcomes have included requests for surveillance and expedited processing of work restrictions to facilitate the employee's return to work from a medical leave.
 - Probation completed its major effort of establishing historical data to support the new Absence Management System (AMS). In collaboration with the CEO Risk Management Branch and Department of Human Resources (DHR), Probation is identifying ways to use AMS that will enable it to better track employees on leave of absence. It is anticipated that during the next quarter, we will assess whether AMS will be able to replace Probation's internal systems or will be used to augment our data system to provide more meaningful management reports.
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As of June 15, 2012, the efforts of Probation's RTW Unit realized the following impact on our Program, Attachment II provides additional detailed caseload information:

	As of	As of	Variance	
	11/01/11	06/15/12	No.	%
Employee Off Work (Work Related and Non-Work Related)	421	387	-34	- 8.08%
Employees Working Modified Duty (Conditional Assignments or Work Hardening Assignments)	354	326	-28	-7.91%
Total Employees in RTW Status	775	713	-62	-8.00%

Probation has implemented all key elements of the Sheriff's RTW model. Remaining is the training of all supervisors to ensure that they understand and can support the new approach to managing employees on extended leave. Recommended changes to our processes have been made following consultation with the Sheriff's RTW staff and Probation management.

RISK MANAGEMENT

Probation's Risk Management has implemented proactive measures to mitigate injury and illness of employees. During Fiscal Year (FY) 2011/12, nine new Directives were published or adjusted in an effort to raise awareness and reduce injury to employees. These include Mileage Reimbursement, Event Liability, Employee Personal Property, Workplace Violence and the Management of Pests. In addition, Risk Management Safety Officers continued to conduct quarterly inspections of facilities. Risk Management staff conducted reviews of industrial accident claims to compile statistics on frequent claims of a similar nature. Based on findings of these reviews, corrective measures were put in place to help prevent further injuries.

To further support the Department's risk management efforts, the Probation Safety Committee met quarterly to discuss and resolve health and safety issues. The Ergonomic and Safe Crisis Management/Industrial Accident Safety Sub-Committees met monthly to enhance and expedite ergonomic reviews. Based on this sub-committee's findings, recommendations were made to adjust policy and processes to be implemented in the next quarter.

Between FY 2010-11 and FY 2011-12, the Probation Department realized a 23 percent reduction in the number of Workers Compensation Claims filed (944 vs. 727). This reduction has resulted in a decrease in the Department's workers compensation and Labor Code 4850 costs. Preliminary review of Labor Code 4850 costs for 2011-12 compared to the previous fiscal year indicates a reduction of \$2.7 million (\$10.6 million vs. \$7.9 million). Data will be reported in detail in the next CEO's Risk Management Annual Report.

PROCESS IMPROVEMENT

Probation and CEO are partnering together to identify process improvement efforts that will streamline and improve the Probation return-to-work business process. Their assessment includes:

- Mapping the current business process to identify inefficiencies to be eliminated and methods for streamlining the process;
- Maximizing the Absence Management System features to improve the efficiency of the Probation return-to-work business process, minimize the production of manual logs and reports, and increase the amount of time available to proactively manage cases;
- Evaluating the decentralized staffing model and restructuring the return-to-work unit to maximize productivity and efficiency; and
- Developing comprehensive training for return-to-work case managers and localized coordinators on the new business process including utilization of the Absence Management System.

PLANNED ACTION

As of June 15, 2012, 57 percent of employees on leave of absence and 68 percent of the employees on a temporary light duty assignment are assigned to four Probation facilities: Barry J. Nidorf Juvenile Hall (BJNJH), Central Juvenile Hall (CJH), Los Padrinos Juvenile Hall (LPJH), and Challenger Memorial Youth Center (CMYC). These organizational units represent 62 percent of the entire RTW Unit's caseload.

In the coming quarter, the RTW Unit will concentrate efforts on these four units to return as many employees as possible back to work, change from modified to full duty, or otherwise bring resolution to their status. A strike team consisting of RTW Case Managers will be assigned to BJNJH for two weeks to evaluate the circumstances of all 142 employees assigned to that organizational unit who are on leave of absence or on a light duty assignment. The BJNJH RTW Case Manager and localized RTW Coordinators will make contact with each employee on leave to determine if they can return to work to either a light duty or full duty assignment.

To ensure that the strike team has updated medical information on each employee, Probation directed the TPA to make contact with physicians to obtain either temporary or permanent work restrictions for these employees. Probation has also consulted with County Counsel who will provide support as required. The same effort will be conducted at CJH, LPJH and CMYC during the next quarter.

Below is the breakdown of impacted employees at these locations by type of case:

Type of Case			
Location	Workers' Comp	Non-Work Related Medical	TOTAL
BJNJH	122	20	142
CJH	99	40	139
LPJH	84	23	107
CMYC	46	8	54
TOTAL	351	91	442

Below is the breakdown of impacted employees at these locations by RTW status:

Return To Work Status					
Location	Total Temp Disability Leave	Work Hardening Assignment	Conditional Assignment	Other	TOTAL
BJNJH	55	55	31	1	142
CJH	66	48	24	1	139
LPJH	58	31	17	1	107
CMYC	38	13	2	1	54
TOTAL	217	147	74	4	442

Probation continues to focus on consistency, accuracy, and timeliness in steps necessary to ensure employees are returned to work at the earliest possible date, and that documentation and follow-up systems are maintained. The continued implementation of welfare checks on employees who do not respond to contact efforts is essential for an effective program.

To maintain the momentum of our program enhancements, it is imperative that additional resources requested in our FY 2012-13 Departmental Budget Request be approved. Without augmentation to staffing levels, the maintenance of our program goals and our continued progress will be inordinately challenging.

NEXT STATUS REPORT

The next report will be submitted in December 2012 and provide a one-year evaluation of Probation's implementation of the decentralized model.

Each Supervisor
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If you have any questions, you may contact Jerry E. Powers, Chief Probation Officer, at (562) 940-2501 or your staff may contact our RTW Unit Managers, Cynthia Maluto at (562) 940-3524 or Vicky Santana at (562) 940-2239.

JEP:DR:ILR:VS:yb

Attachments (2)

c: Chief Executive Office
Sheriff
Executive Office, Board of Supervisors
County Counsel
Justice Deputies

Probation Department Return-to-Work Action Plan
FY 2011-12
As of June 15, 2012

Return-to-Work Action Plan			
Task	Responsible Person	Target Date for Outstanding Tasks	Status Update
1) RTW Operation Analysis	Sheriff's Department Captain	n/a	COMPLETED: 7/22/11 –Sheriff's Dept. identified the need to: <ul style="list-style-type: none"> • Reconfigure operation & decentralize • Policy development & enhancements
2) Create draft Directives on behalf of Probation Department covering responsibilities of Line Supervisors, RTW Coordinators and Case Managers	Sheriff's Department	n/a	COMPLETED: 8/22/11 – Draft Directives completed and delivered to Probation
3) Review, enhance, approve and disseminate RTW-related Directives: <ul style="list-style-type: none"> • Supervisors Responsibilities-Work Related Injury/Illness • On-site RTW Coordinators' Responsibilities • RTW-AIMS Notification Letter Responses 	Probation Centralized RTW Managers and HR Manager	n/a	COMPLETED: 9/4/11 – Practices in draft Directives implemented. 9/9/11 – Unions given notice of draft Directives and Request to Meet Meetings held with Unions on draft Directives 12/14/11 - Meetings scheduled; meetings held with one union, other unions did not show; meet and confer requirements met 1/5/12 – Directives 1277, 1278 and 1279 formally issued
4) Creation of email groups. <ul style="list-style-type: none"> • Help desk • TPA NOBs • TPA W/R letters 	Probation Centralized RTW Managers and HR Manager	n/a	COMPLETED: 09/15/11 - Email groups created and being utilized by TPA

Return-to-Work Action Plan			
Task	Responsible Person	Target Date for Outstanding Tasks	Status Update
5) Implementation of Sheriff's Department draft Directives into Probation Department's organization	Chief Probation Officer	n/a	COMPLETED: 9/4/11 – Practices in draft Directives implemented. 1/5/12 – Directives 1277, 1278 and 1279 formally issued
6) Decentralized RTW-Localized (on-site) RTW Coordinators <ul style="list-style-type: none"> Identify coordinators Assign to specific RTW Case Managers Case Managers to conduct on-going training with Coordinators 	Probation Centralized RTW Managers and Probation HR Manager	n/a	COMPLETED: 12/2011– Localized (on-site) RTW Coordinators have been identified. Localized (on-site) RTW Coordinators have each had RTW Case Managers in centralized RTW Unit assigned to them. List of contacts developed in 1/2012. Training commenced September 2011 through March 2012 – 110 RTW Coordinators and their back-ups were trained. As needed, on-going training for new/replacement RTW Coordinators will be conducted.

Return-to-Work Action Plan

Task	Responsible Person	Target Date for Outstanding Tasks	Status Update
<p>7) RTW Trainings associated with enhancements and decentralization:</p> <ul style="list-style-type: none"> • RTW Case Manager Training <ul style="list-style-type: none"> ○ Oversee and facilitate On-Site operations, etc. • RTW Support Staff <ul style="list-style-type: none"> ○ Process and log TPA Work Restriction Letters. • Leaves Section (Payroll & RTW Support Staff) <ul style="list-style-type: none"> ○ FMLA, etc. • Notice of Benefits Section (Payroll & RTW Support Staff) <ul style="list-style-type: none"> ○ Processing pay benefits • Director, Managers and On-site RTW Coordinators related to their duties: <ul style="list-style-type: none"> ○ I/A packets ○ Absence Follow-ups ○ On-site contact related to RTW issues, etc. 	<p>Sheriff's Department and Probation Centralized RTW Managers and HR Manager</p>	<p><u>Phase 3: September 2012</u> Train all Directors, Managers, and line supervisors in August and September 2012.</p>	<p>COMPLETED: Phase 1: 9/2011 – Sheriff's Dept. conducted RTW Case Manager training, RTW Support Staff training, Leaves Section training, and Notice of Benefits Section training.</p> <p>Phase 2: 3/2012 – Remaining 19 localized RTW Coordinators and back-ups were trained in March 2012.</p> <p>PENDING: Phase 3: A comprehensive list of all Directors, Managers and line supervisors was developed. The Return-to-Work Process Supervisors' Responsibility training curriculum was developed and approved by the State of California's Standards for Corrections Training (STC) Program. A timeline and schedule for training to train all line supervisors has been developed for the months of August and September 2012.</p>
<p>8) Chief Executive Office identification of proposed staffing level of Probation RTW Unit</p>	<p>Chief Executive Office and Sheriff's Department</p>	<p>n/a</p>	<p>COMPLETED: 09/26/11 – Items were identified in September 2011, and are included in the Department's FY 2012-13 Budget Request.</p>

Return-to-Work Action Plan			
Task	Responsible Person	Target Date for Outstanding Tasks	Status Update
9) Absence Follow-up Report – Weekly report to be completed and utilized by RTW Coordinators of all Facilities/Area Offices, etc. • RTW Unit will maintain Quality Control Communications w/Division Management	Probation RTW ASM and HR Manager, and executives	n/a	COMPLETED: 11/2011 – Absence Follow-Up Report was implemented. Centralized RTW Unit are continuing to work with localized RTW Coordinators, and Deputy Directors on quality control and compliance.
10) In depth one-to-one training provided to Probation RTW Case Managers (100 cases reviewed alongside Probation case managers)	Sheriff's Department	n/a	COMPLETED: 10/14/11 – Sheriff's RTW staff partnered with Probation RTW Case Managers and conducted case reviews on 100 cases

Return-to-Work Action Plan			
Task	Responsible Person	Target Date for Outstanding Tasks	Status Update
11) Upgrade logistical elements of RTW <ul style="list-style-type: none"> • Computers • Software • Unified working area • Pool car for home visits • Central Reception phone number 	Probation RTW ASM and HR Manager	June 2012	COMPLETED: <u>Pool cars:</u> Completed. Car pools are available. <u>Computers:</u> Completed. Computers were installed in April 2012. <u>Central reception phone number:</u> Completed. RTW uses the Human Resource's central reception phone number for this purpose. Probation employees are familiar with this phone number to inquire about personnel matters.
		October 2012	PENDING: <u>Software/systems:</u> CEO continues to evaluate and make recommendations for enhancements / replacement of software/systems. Recommended changes to the new mandated Countywide Absence Management System (AMS) have been made to help meet the RTW Unit's needs. AMS to go live countywide on July 1, 2012.
		September 2012	<u>Unified space area:</u> Unified space has been identified at Downey Headquarters which involves relocation of other units. A relocation plan has been prepared which includes some renovation. Estimated to be completed in September 2012.

Return-to-Work Action Plan			
Task	Responsible Person	Target Date for Outstanding Tasks	Status Update
12) Work Hardening (WH) Lobby <ul style="list-style-type: none"> • Develop several WH lobbies in various parts of the County • Provide on-site training associated with lobby assignments and suitable placement in work location 	Probation RTW Manager and Risk Manager	n/a	COMPLETED – ACTION PLAN ELIMINATED: Upon review of new model, work hardening lobbies are not needed.
13) Strategic Case Management Initiative <ul style="list-style-type: none"> • Roundtable discussion of critical case issues <ul style="list-style-type: none"> ○ Major issues ○ Potential W/C abuse 	Probation RTW Staff with assistance from management	n/a	COMPLETED: 10/2011 : Centralized RTW Unit supervisors holding daily one-on-one meetings with RTW Case Managers on critical case issues as needed. Centralized RTW Unit has internal monthly meetings to discuss identified critical case issues and prepare for roundtable meetings with TPA. Monthly roundtable meetings with TPA commenced and on-going.

Return-to-Work Action Plan			
Task	Responsible Person	Target Date for Outstanding Tasks	Status Update
14) RTW Vacant Position Book, which includes: <ul style="list-style-type: none"> Categories of worksites and all available positions by classification and salary to employees returning to work with restrictions 	Probation RTW Manager and Risk Manager	n/a	COMPLETED – ACTION PLAN ELIMINATED: Determination made for employees returning to assigned work location with temporary work restrictions to remain assigned on work hardening assignment at their regular location, eliminating need for this action plan. In cases where employee cannot be accommodated at their assigned location, the Bureau Chief will identify a position within the Bureau on a case-by-case basis. For employees with permanent work restrictions, conditional assignments will be coordinated on a case-by-case basis through the centralized RTW Unit Case Manager.

Note: Where target dates for outstanding tasks have been modified, the prior target date is crossed out and the new target date inserted.

PROPOSED OUTCOMES	
Outcome	RESPONSIVE ACTION ITEM RTW Action Item #
Key stakeholders enhanced identification and notification of needed preventive actions and/or suspected potential workers' compensation fraud resulting in reduction in accidents, injuries and/or liability issues	<ul style="list-style-type: none"> • #13
Reduction in the days away from work and appropriate transition back to work in a suitable position	<ul style="list-style-type: none"> • #2 • #3 • #4 • #5 • #6 • #7 • #8 • #9 • #13

**PROBATION DEPARTMENT
RETURN TO WORK STATISTICS
FOR THE PERIOD OF FEBRUARY 15, 2012 THROUGH JUNE 15, 2012**

RETURN TO WORK STATISTICS

<u>NUMBER OF EMPLOYEES</u>	AS OF	AS OF	VARIANCE	
	2/15/12	6/15/12	No.	%
Off Work: Worker's Compensation/Industrial Accident	264	269	5	1.9%
Off Work: Medical (Non-work related)	85	118	33	38.8%
Total: Employees Off Work	349	387	38	10.9%
Working: On Conditional Assignment	95	96	1	1.1%
Working: On Work Hardening Assignment	255	230	-25	-9.8%
Total: Employees Working Modified Duty	350	326	-24	-6.9%
Total Employees Off Work or Working Modified Duty	699	713	14	2.0%
% Employees Off Work	49.9%	54.3%	-	4.3%
% Employees Working Modified Duty	50.1%	45.7%	-	-4.3%

Note: All above data is based on new methodology of counting actual employees, and not number of open claims

MEDICAL RELEASES / DEEMED RESIGNATIONS

Number of employees medically released from 2/16/12 through 6/15/12:	0
Number of deemed resignations processed from 2/16/12 through 6/15/12:	9
Deemed resignations finalized; employees out of County service	2
Deemed resignations started but not completed; employees returned to work during process	7
Deemed resignations in process	0

CONDITIONAL ASSIGNMENTS

Employees with conditional assignments as of 2/15/12	95
New employees with conditional assignments:	19
Employees removed from conditional assignments:	17
Returned to Full Duty	4
Separated from County service	0
Administratively Reassigned (full duty in new assignment)	1
Employees out on leave	12
Employees with conditional assignments as of 6/15/12:	93

Note: Of the 93 employees with current conditional assignments, 39 have processes pending for service connected disability retirement and 10 are pending reassignment to new full duty positions